

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In Re:

**Heather King,
Joseph King,
Debtor**

**Chapter 13
Case No. 17-13702**

DEBTOR'S OBJECTION TO AMENDED PROOF OF CLAIM NO. 2-2 OF
WILMINGTON SAVINGS FUND, SOCIETY WITH NOTICE TO WILMINGTON
SAVINGS FUND, SOCIETY

Now come the Debtors and object to Amended Proof of Claim Number 2-2 of Wilmington Savings Fund, Society. In support of this Objection Debtors state the following:

1. Debtors filed Chapter 13 bankruptcy petition on October 4, 2017.
2. On February 12, 2018 Wilmington Savings Fund, Society filed Proof of Claim Number 2, stating that the debtors were in arrears \$42,302.01.
3. On May 29, 2018 Wilmington Savings Fund, Society filed a Second Amended Proof of Claim Number 2, stating that the debtors were in arrears \$58,920.92.
3. According to the Mortgage Proof of Claim Attachment the Debtors had a projected escrow shortage of \$31,745.37, but Wilmington Savings Fund, Society did not provide an escrow projection. Additionally, this number does not make sense because the minimum required escrow balance is \$1,694.54 (two monthly payments), which would imply the escrow account is negative approximately \$30,000.00 and yet Wilmington is claiming that there is \$0.00 in escrow deficiency for funds advanced.
4. According to the Mortgage Proof of Claim Attachment Part 3 the Debtors owed \$7,013.57 in prepetition fees, but Part 5 only shows \$2,886.37 in fees.
6. Debtors believed there were approximately \$43,000.00 in arrears when this case was filed, which is in line with the original Proof of Claim.

WHEREFORE, the Debtors request the court find as follows:

1. Allow the Debtors' Objection to Amended Proof of Claim Number 2-2 of Wilmington Savings Fund, Society.
2. For such other relief as the court deems just.

Debtors,
By their attorney,

Dated: May 30, 2018

/s/ John Ullian

John Ullian, Esq./ BBO No. 542786

The Law Firm of Ullian & Associates, PC

220 Forbes Road, Suite 106

Braintree, MA 02184

(781) 848-5980

UNITED STATES BANKRUPTCY COURT
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NOTICE OF OBJECTION TO CLAIM

The Debtors, Heather and Joseph King, has filed an objection to your claim in this bankruptcy case.

Your claim may be reduced, modified, or eliminated. You should read these payments carefully and discuss them with your attorney, if you have one.

If you do not want the court to eliminate or change your claim, then on or before June 30, 2018, you or your lawyer must file with the court a written response to the objection, explaining your position, at:

John W. McCormack Post Office and Courthouse
US Bankruptcy Court, Clerk's Office
5 Post Office Square, Suite 1150
Boston, MA 02109

If you mail your response to the court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above.

You must also send a copy to:

Debtor's counsel, John Ullian, Esq.
The Law Firm of Ullian & Associates, PC
220 Forbes Road, Suite 106
Braintree, MA 02184

Attend the hearing on the objection.

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your claim.

Dated: May 30, 2018

/s/ John Ullian
John Ullian, Esq. BBO No. 542786
The Law Firm of Ullian & Associates, PC
220 Forbes Road, Suite 106
Braintree, MA 02184
(781) 848-5980

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In Re:

**Heather King,
Joseph King,
Debtor**

**Chapter 13
Case No. 17-13702**

ORDER REGARDING DEBTOR'S OBJECTION TO PROOF OF CLAIM OF
WILMINGTON SAVINGS FUND, SOCIETY

This matter having come before me on the Objection of Heather and Joseph King (the "Debtor") to Amended Proof of Claim Number 2-2 of Wilmington Savings Fund, Society, notice having been provided to Wilmington Savings Fund, Society and an opportunity for hearing, it is hereby

ORDERED

The Debtors' Objection is allowed. Wilmington Savings Fund, Society's claim for arrears is disallowed.

THIS _____ day of _____, 2018.

U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In Re:

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Joseph King,
Debtor**

**Chapter 13
Case No. 17-13702**

CERTIFICATE OF SERVICE

I, John Ullian, hereby certify under the pains and penalties of perjury that I served the **DEBTOR'S OBJECTION TO AMENDED PROOF OF CLAIM NO. 2-2 OF WILMINGTON SAVINGS FUND, SOCIETY WITH NOTICE TO WILMINGTON SAVINGS FUND, SOCIETY** by ECF or mailing a copy of same, postage prepaid, the following interested parties:

Office of the US Trustee
John W. McCormack Post Office and Courthouse
5 Post Office Square, 10th Floor, Suite 1000
Boston, MA 02109

Carolyn Bankowski
Chapter 13 Trustee
PO Box 8250
Boston, MA 02114

Joseph & Heather King
45 Calypso Lane
Marshfield MA 02050

Wilmington Savings Fund, Society
3020 Old Ranch Parkway, Suite 180
Seal Beach, CA 90740

Wilmington Savings Fund, Society
The Law Offices of Michelle Ghidotti
1920 Old Tustin Avenue
Santa Ana, CA 92705

I, John Ullian, hereby certify under the pains and penalties of perjury that I served the **DEBTOR'S OBJECTION TO AMENDED PROOF OF CLAIM NO. 2-2 OF WILMINGTON SAVINGS FUND, SOCIETY WITH NOTICE TO WILMINGTON SAVINGS FUND, SOCIETY** by certified mail the following interested party:

Wilmington Savings Fund, Society FSB
Attn: President
500 Delaware Avenue
Wilmington, DE 19801

Dated: May 30, 2018

/s/ John Ullian
John Ullian, Esq.
The Law Firm of Ullian & Associates, PC
220 Forbes Road, Suite 106
Braintree, MA 02184
(781) 848-5980